

SENATE BILL 3037

By Watson

AN ACT to amend Tennessee Code Annotated, Title 49,  
relative to mutual consent placement of teachers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, Part 4, is amended by adding the following as a new, appropriately designated section:

(a) **Mutual consent placements.** Notwithstanding any provision of this chapter to the contrary:

(1) School principals shall have the right to select teachers for their schools who have demonstrated effectiveness and qualifications;

(2) LEAs that administer multiple schools shall include in the LEA's teacher contracts provisions for placement of teachers who are rated above expectations or significantly above expectations in schools based on mutual consent of the teacher and principal of the school; and

(3) As used in this section, "mutual consent" means the practice of hiring teachers in which the principal of the school where there is a vacancy has the right to interview and extend job offers to applicants for the position based on the applicants' past effectiveness and qualifications and whereby the applicant has the right to accept or reject any position offered by the principal.

(b) **Options for teachers not selected for positions through mutual consent.** Except as provided in subsection (c), LEAs may adopt options for teachers rated above expectations or significantly above expectations who are displaced and not selected for a regular position through mutual consent, such as defined grace periods during which such teachers will serve in temporary positions while receiving full or partial

pay and benefits, priority for interviews for vacancies, severance pay, or other arrangements.

(c) **Extended inability to make mutual consent placements.** If a teacher is unable to obtain a mutual consent assignment at a school within the LEA after the longer of twelve (12) months or two (2) hiring cycles, as may be defined by the department, the LEA shall place the teacher on unpaid leave until such time as the teacher is able to secure an assignment. If the teacher secures an assignment at a school within the LEA while placed on unpaid leave, the LEA shall reinstate the teacher's salary at no less than what the teacher was receiving at the time the unpaid leave began.

(d) **Limited-term assignments.** Nothing in this section shall limit the ability of an LEA to place a teacher in a limited-term assignment, for which the applicant for a teaching position may be qualified, for a specified period of time or until a teaching position for the applicant becomes available up to twelve (12) months, including a teaching assignment, substitute teaching assignment, or instructional support role during the period in which the teacher is attempting to secure a mutual consent placement in a school. A limited-term assignment shall not constitute a mutual consent placement and shall not be deemed to interrupt the period in which the teacher is required to secure a mutual consent placement before the LEA shall place the teacher on unpaid leave.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.